

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

In re EFFEXOR XR ANTITRUST LITIGATION

This Document Relates To:

**Individual Third Party Payor Actions**

Civil Action No. 11-5590 (JAP) (LHG)

**STIPULATION AND CONSENT TO  
FILE SECOND AMENDED  
COMPLAINT**

It is hereby stipulated and consented to by Plaintiffs, Painters District Council No. 30 Health & Welfare Fund and Medical Mutual of Ohio, and Defendants, Wyeth, Inc., Wyeth Pharmaceuticals, Inc., Wyeth-Whitehall Pharmaceuticals and Wyeth Pharmaceuticals Co., by and through their undersigned counsel and pursuant to FED. R. CIV. P. 15(a)(2), that Plaintiffs shall file their Second Amended Complaint and that Defendants do not waive any defenses thereto. The actions in which the Second Amended Complaint, which will not contain class action allegations, and any other non-class action complaints by other individual third-party payors are filed, shall be referred to as "Individual Third Party Payor" actions, and will be coordinated with those actions in which the Consolidated Amended Complaints were filed by counsel for the putative class of the Direct Purchasers and counsel for the putative class of the Indirect Purchasers, and the actions of the Individual Direct Purchasers consistent with Case Management Order No. 1, ¶ 9, entered by the Court on December 13, 2011 (D.E. 25).

Any document filed in connection with the Individual Third Party Payors' actions shall reflect the following: "This Document Relates To: Individual Third Party Payor Actions".

*Plaintiffs shall file the Second Amended Complaint in accordance with this Stipulation and Consent Order within five days of entry of this Order.*

So Ordered this 25<sup>th</sup> day  
of January, 2012

Defendants shall file their Answer, motion or other responsive pleading directed to the Second Amended Complaint according to the schedule to be submitted to the Court on January 27, 2012.

**AGREED TO:**

Plaintiffs:

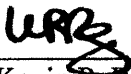
By: /s/ Marvin A. Miller  
Marvin A. Miller  
MILLER LAW LLC  
115 South LaSalle Street, Suite 2910  
Chicago, IL 60603  
Telephone: (312) 332-3400

***Counsel for Painters District Council  
No. 30 Health & Welfare Fund***

and

By: Pamela Slate  
Pamela Slate  
SLATE CARTER COMER PLLC  
One Commerce Street, Suite 850  
Montgomery, AL 36104  
Telephone: (334) 262-3300

***Counsel for Medical Mutual of Ohio***

By:   
Kevin P. Roddy (KR-2359)  
WILENTZ, GOLDMAN & SPITZER, P.A.  
90 Woodbridge Center Drive, Suite 900  
Woodbridge, NJ 07095  
Telephone: (732) 636-8000

***Local Counsel for Plaintiffs Painters  
District Council No. 30 Health & Welfare  
Fund and Medical Mutual of Ohio***

Dated: January 23, 2012

Defendants:

By: /s/ Jack Pace III  
Jack Pace III  
WHITE & CASE LLP  
1155 Avenue of the Americas  
New York, New York 10036-2787  
Telephone: (212) 819-8520

By: /s/ Liza M. Walsh  
Liza M. Walsh  
CONNELL FOLEY LLP  
85 Livingston Avenue  
Roseland, NJ 07068  
Telephone: (973) 535-0300

***Counsel for Defendants Wyeth,  
Inc., Wyeth Pharmaceuticals,  
Inc., Wyeth-Whitehall  
Pharmaceuticals and Wyeth  
Pharmaceuticals Co.***